

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:18-CR-00135(1)-ADA
	§	
(1) DANIEL FREDRICK	§	
AVILES-HAMMAC		

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court is the above styled and numbered cause. On October 22, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) DANIEL FREDRICK AVILES-HAMMAC, which alleged that Aviles-Hammac violated a condition of his supervised release and recommended that Aviles-Hammac 's supervised release be revoked (Clerk's Document No. 53). A warrant issued and Aviles-Hammac was arrested. On November 1, 2024, Aviles-Hammac appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Aviles-Hammac appeared before the magistrate judge on November 13, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on November 13, 2024, which provides that having carefully considered

all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Aviles-Hammac, the magistrate judge recommends that this court revoke Aviles-Hammac supervised release and that Aviles-Hammac be sentenced to imprisonment for FOURTEEN (14) months, with credit for time served and with no term supervised release to follow the term of imprisonment (Clerk's Document No. 66).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On November 13, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 65). The court, having reviewed the entire record and finding no plain error, accepts

and adopts the report and recommendation filed in this cause.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 66 ) is hereby ACCEPTED AND ADOPTED by this court.

**IT IS FURTHER ORDERED** that Defendant (1) DANIEL FREDRICK AVILES-HAMMAC's term of supervised release is hereby REVOKED.

**IT IS FURTHER ORDERED** that Defendant (1) DANIEL FREDRICK AVILES-HAMMAC be imprisoned for FOURTEEN (14) months, with credit for time served and with no term of supervised release.

Signed this 27th day of November, 2024.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE